

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 08-1293)**

In the Application of:)
Wang et al.)
Serial No. 10/702,152)
Filed: November 5, 2003)
For: METHOD OF AND APPARATUS FOR)
VARIABLE LENGTH DATA PACKET)
TRANSMISSION WITH)
CONFIGURABLE ADAPTIVE)
OUTPUT SCHEDULING ENABLING)
TRANSMISSION ON THE SAME)
TRANSMISSION LINK(S) OF)
DIFFERENTIATED SERVICES FOR)
VARIOUS TYPES OF TRAFFIC)
Group Art Unit: 2419
Examiner: Pezzlo, John
Confirmation No. 7812

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Applicant files this request to give the Office a full opportunity for reconsideration of the patent term adjustment (PTA) for the above-referenced patent, as Applicant believes in good faith that 148 days of *Wyeth*-type “B Delay” has been double counted.

On October 13, 2009, Applicant filed a request for reconsideration of PTA to request addition of 655 days of PTA due to B delay, and after accounting for 344 days of overlap plus requesting Office review regarding a possible reduction in PTA due to a supplemental response, Applicant requested a total of 1,260 days of PTA. On January 29, 2010, Applicant filed a Request for Recalculation of PTA (*i.e.*, a Form PTO/SB/131).

On March 15, 2010, the Office mailed a decision granting the October 13, 2009 request in part (“the First Decision”), adding 654 days of PTA for B Delay and subtracting 162 days for the supplemental response, thus changing the PTA for the above-referenced patent from 949 days to 1097 days, for a net of 148 additional days of PTA. On April 21, 2010, the Office mailed

a decision in response to the Form PTO/SB/131 filed January 29, 2010, ("the Second Decision"), adding 310 days of PTA for an updated total of 1407 days. Applicant believes the 310 days added by the Second Decision include the net 148 days of PTA granted in the First Decision and the 162 days previously subtracted in the First Decision for the supplemental response.

Applicant believes in good faith that the First Decision is correct, that the Second Decision is in error, and thus that the correct PTA for the above-referenced patent is 1097 days. Applicant files this request to give the Office a full opportunity for reconsideration on this point.

Applicant believes no fees are due for this request. Nonetheless, Applicant authorizes the Office to charge any fees associated with this request to Deposit Account No. 132490. The Office is invited to contact the undersigned at (312) 913-3338 as needed concerning this request.

Respectfully submitted,

**McDonnell Boehnen
Hulbert & Berghoff LLP**

Date: May 17, 2010

By: /Thomas J. Loos/
Thomas J. Loos
Registration No. 60,161